

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
February 8, 2010
Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.**

Executive Session, 5:30, Room 126

Present: Paulina Knibbe, Peter Berry (late), Lauren Rosenzweig, Terra Friedrichs and Mike Gowing Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

Ms. Knibbe – Moved to open regular session meeting only to go into Executive Session to discuss land negotiations. Ms. Friedrichs - second. Roll Call Taken, All Ayes

Ms. Rosenzweig – Moved to go into Executive Session for the purpose of discussing Land Negotiations and Labor negotiations. Roll Call Taken, All Ayes and to adjourn into Regular Session at 7:00 p.m. in Room 204. Peter Berry was absent from the Executive Session.

CITIZENS' CONCERNS

None expressed

CHAIRPERSON'S UPDATE

Ms. Knibbe noted that she wanted to speak about the domestic violence in Westford and offered her sympathy to Westford and of those involved. .

OPERATIONAL MINUTE

Steve spoke about the 4,700 flu vaccinations and that 570 of them were seasonal vaccinations

Police Chief reported to Steve that when we had the snow squalls there were 17 crashes in a couple of hours.

PUBLIC HEARINGS & APPOINTMENTS

PO'S BARBECUE SPECIAL USE PERMIT #12/2/09-424, 624 MAIN STREET

Attorney for Mr. Po, Steve Graham noted the permit to increase seating was needed to move forward. They have installed the additional grease trap in the parking area as required. All other licenses have been granted.

Lauren said the grease trap maintenance is under DEP rules and Board of Health monitors grease trap requirements.

Paulina noted that with the additional seating, it would become a destination not just a take out. She urged they continue to work with the Board of Health with regard to the grease traps.

Ms. Knibbe - Moved to close the hearing. Ms. Rosenzweig – second UNANIMOUS VOTE Mr. Gowing asked that Mr. Berry's name be removed from the decision as he was not present. Ms. Knibbe – Moved to approve the Use Permit with reference to Mr. Berry. Ms. Rosenzweig second. 4-1 Motion passes, Ms. Friedrichs abstain because she did not know what monitoring would be was in place for a grease trap of this type and size.

HIGHGROVE, LLC. 40 B, 18 WOODCHESTER DRIVE AND 16/18 WINDEMERE DRIVE

The Developer's attorney discussed the number of units proposed in Acton and Stow. The Acton portion is 8 units, 6 market and two, affordable units. The engineer outlined the plans and entrances and septic systems.

Ms. Rosenzweig has many concerns and asked if the land was under any protections. Ms. Rosenzweig also noted the parcel's wooded beauty; she asked if they would consider creating single family homes on the land in Acton.

Mr. Gowing asked about the storm water issue and how they plan on handling it and if they would be doing individual septic systems and additionally, asked about traffic mitigation. The developer said they planned on shared septic on each cluster.

Ms. Friedrichs asked who the owners were and were they willing to sell it? He said he would get back to the Board after speaking with them.

Ms. Knibbe spoke about the project and it doesn't fit our comprehensive policy which is to help control development. She was concerned about the traffic and possible no access to Stow traffic and allow only Acton portion to use the roads in Acton. Ms. Knibbe noted that the number of units and the closeness of septic systems.

No one was present to support this project

Dick Calendrella spoke about comments from the neighbors.

Erin Dodge, member of the Stow Planning Board spoke about the plan they reviewed last year. The Planning Board heard from Stow residents who attended the meetings. They had problems with the Plan with water drainage on the hill as a major concern.

Carol Brady expressed her concerns and noted she is not against 40B.

Many spoke about the increased traffic in the neighborhood as well as safety and water issues.

Ms. Friedrichs asked about the Town's policy of accepting roads. Staff was asked to write a letter with our concerns and bring to the attention to Mass Housing. Ms. Knibbe –Moved to have the letter sent by the 10th. Ms. Friedrichs – second. UNANIMOUS VOTE

SAFETY NET DISCUSSION

Marge Kennedy discussed the Safety net committee update. Ms. Knibbe noted the great work they are doing.

PLANNING BOARD PRESENTATION OF ARTICLES FOR ANNUAL TOWN MEETING

Ryan Bettez spoke about the warrant articles they will be bringing to Town Meeting.

They will be bringing a fourth article regarding business sign changes.

The Board asked about the Letter from FEMA to update bylaws to convert to new flood plan mapping system. Mr. Bartl noted that it is really administration changes, no relocation of boundaries.

MILITARY PAY DIFFERENTIAL

Ms. Rosenzweig outlined her proposal to allow town employees who serve on active duty to be reimbursed the differential between military pay and town base pay. Police Officer Dan Silva, who served in Iraq is assisting Selectman Rosenzweig to explore how to offer this to our employees. Different options were discussed and they recommend trying to develop a town policy in the spirit of the statute and to write a policy for discussion at the next meeting. Steve the Manager and HR Director are still looking into a policy.

Mr. Gowing said he feels we can support this and need to find out how we can make it work.

Dan Silva – Noted that what ever they decided he appreciated it their time.

SELECTMEN'S BUSINESS

ALG/BUDGET DISCUSSION

Ms. Knibbe discussed the meeting; meals tax decision was not done at this point, but will be revisited

FY 12 and 14 assumptions were discussed and future assumptions.

Ms. Rosenzweig feels we need to be conservative as this time. For FY12 we hold steady and hope for an improved FY13 and see how this comes out and what it yields.

Mr. Berry said we need to be conservative, Ms. Friedrichs noted she wanted to be conservative.

Ms. Knibbe is comfortable with the reserves use to level the bumps. The percentages are too aggressive.

Mr. Gowing disagrees with Selectman Friedrichs.

Ms. Knibbe discussed Mr. Mullin's Waterfall proposal and asked the Board about his methodology to handle any increases in Chapter 70. Mr. Gowing is in agreement with this methodology.

Ms. Friedrichs could not vote to with out (CHECK)

Mr. Berry said he likes the idea to have a plan in place and the first \$300,000 goes to the schools.

Ms. Rosenzweig noted she agreed in concept and we do need a plan going forward. She is concerned that by reducing the tax rate she worries about the out years and most citizens she has talked to feel they want to pay a steady pace with no jumps and no overrides.

Ms. Knibbe said having a plan is a good idea; as she says she doesn't think the Governor will be able to do this.

Ms. Friedrichs said we need to plan for where the money goes to.

Ms. Knibbe was asked by a member of the school committee to discuss the Health Insurance Trust. We have 2.7 Million surplus and to allow us to draw down \$500,000. Mr. Berry noted the spikes in costs.

Ms. Friedrichs said we need balance sheet. Mr. Kong asked to clarify that the School Committee were not asking the town side this; they have their own Health Trustees.

SELECTMEN'S REPORTS

Mr. Gowing commented on the safety windows installed at the senior center.
Ms. Friedrichs noted that EDC has not been meeting.

Ms. Knibbe spoke about Recreation and Winter Fest. They had 2,000 people who attended. Stretch Code Meeting was very well attended and it is on the WEB PAGE and scheduled for town meeting.

Lauren reported on the School Committee Budget meetings. WRAC is working on getting their bylaw ready for the Annual Town Meeting Warrant.

Planning will be making a presentation on the Articles. There has been a cell tower permit filed that is in the works.

Transportation Advisory will be in later to discuss a possible new Grant proposal that would be in addition to the Suburban Mobility Grant.

2010 ANNUAL TOWN MEETING

The Board discussed the articles and addition of Article 37. The Planning Board asked for Article 30 to be pulled. Ms. Knibbe – Moved to remove Article 30. Ms. Rosenzweig – second.
APPROVED UNANIMOUSLY

TRANSPORTATION ADVISORY COMMITTEE, VAN GRANT

Ms. Osman discussed the Van and taxi voucher program.

They have been talking about regional needs and coordinating town to town and agencies to agencies. A grant has been offered with support of TAC, they have filled out the application and asking for \$20,000 to hire a planner, to help to identify funding solutions. She was asked to identify stake holders in the six town area. The Board encouraged communication among the stake holders, create a written guide to livery services and how each town will benefit.

Mr. Gowing noted that they need to get assistance from other towns. They need to get help; we are currently doing all the work. However management of the grant is another thing, it equals more work and he is concerned about the two grants already in line ahead of this one.

Ms. Rosenzweig said the intent of the grant is good, but she is torn, we always underestimate the drain of staff time to follow all the little details. Lauren noted that she is on the phone about the contract for the current Suburban Mobility Grant-- they seem to be just stuck in the contracts department of the DOT.

Ms. Friedrichs supports the Van Grant for the elderly and disabled.

Mr. Berry wanted to hear how they will respond.

Ms. Knibbe noted that we can't overload people too much so that it fails, and adding to existing work load sets us up for failure. She does not want to defuse and she thinking the timing is wrong and would delay grants we have already applied for.

Ms. Osman said this is a small grant and has monies to pay for staff work. It is a cushion of more time with the planner.

It was asked what it would take to support if we don't get help from other towns.

Ms. Rosenzweig - Moved that we are hiring a Transportation Coordinator in Suburban Mobility Grant. We need to start small, we cannot manage and we need to pass on submitting this grant at this time. Mr. Gowing – second. 4-1 Ms. Friedrichs No, she asked to see if the a 501C3 charity such as the United Way would be willing to submit the grant for this project, further to submit a letter to United Way to get their support.

ADVANCED LIFT SUPPORT (ALS) PROPOSAL

Emerson is going out of business of ALS shortly. The surrounding communities have been reviewing ways to provide the service. PRO EMS will be providing this service as of Sunday. They will be charging Medicare plus 200%. Mr. Ledoux's recommendation is also Medicare plus 200%.

Ms. Knibbe - Moved we continue the Town of Acton's planning for a Central Middlesex Emergency Rescue Authority (CMERA) planning process for regional ALS (Advanced Life Support) services through the end of the current agreement with Emerson Hospital expiring September 20, 2010; and to approve the increase of ALS and BLS (Basic Life Support) fees from Medicare + 50% to Medicare + 200% effective February 14, 2010. Ms. Rosenzweig – second. UNANIMOUS VOTE

TOWN MANAGER'S REVIEW

Paulina noted that she consolidated the comments.

Terra said the public have been giving positive comments on his performance

Dick Calendrella said Mr. Ledoux was a pleasure to deal with and is very responsive.

Ms. Knibbe – Moved to accept the summary evaluation of the Town Manger. Ms. Friedrichs – second. UNANIMOUS VOTE

BOY SCOUT COURT OF HONOR, GEORGE KRIKORIAN III AND BENJAMIN SZEWCZK

Ms. Knibbe will represent the Board

99 PARKER STREET, LIP PROJECT

Mr. Ledoux outlined the request for the letter to use the Assessors records for value opposed to an Appraisal. The developer Mark Starr was asked about either putting in sidewalk or making a contribution to the sidewalk fund. Ms. Rosenzweig – Moved to waive the appraisal requirement. Mr. Gowing – second. UNANIMOUS VOTE

OTHER BUSINESS

CONSENT

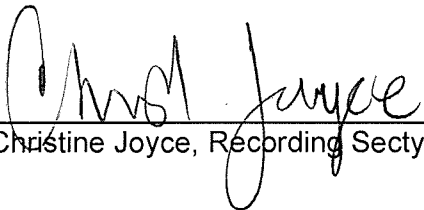
Ms. Friedrichs – held #18

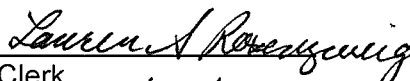
Ms. Rosenzweig – Moved to accept the consent items except for #18 Mr. Gowing – second. UNANIMOUS VOTE.

Ms. Rosenzweig – Moved to approve #18. Mr. Gowing – second. UNANIMOUS VOTE

EXECUTIVE SESSION

Ms. Rosenzweig – Moved to go into Executive Session for the purpose of discussing Land Negotiations and Labor negotiations. Roll Call Taken, All Ayes and to adjourn into Regular Session at 7:00 p.m. in Room 204. Ms. Friedrichs arrived late, Peter Berry was absent from the Executive Session.


Christine Joyce, Recording Secty


Clerk
Date: 3/22/10

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room

February 8, 2010

7:00 PM

EXECUTIVE SESSION – 5:30 P.M. Room 126

**EXECUTIVE SESSION – 5:30 – 7:00 TO DISCUSS LAND NEGOTIATIONS
AND LABOR NEGOTIATIONS**

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:05 CHAIRMAN'S UPDATE

The Chair will briefly update the Board on topics of interest

2. 7:10 OPERATIONAL MINUTE

The Town Manager will provide a brief report on topics of interest

**3. 7:25 PO'S BARBECUE SPECIAL USE PERMIT #12/24/09-424, 624
MAIN STREET**

ISSUE: to increase seating capacity. Enclosed please find materials
in the subject regard.

**4. 7:40 HIGHGROVE ESTATES, 40B, 18 WOODCHESTER DRIVE AND
16/18 WINDERMERE DRIVE**

ISSUE: 40B filing. Enclosed please find materials in the subject
regard

5. 8:00 SAFETY NET DISCUSSION

ISSUE: Safety Net presentation, sharing of current information.
Enclosed please find materials in the subject regard

**6. 8:15 PLANNING BOARD, PRESENTATION OF ARTICLES FOR
ANNUAL TOWN MEETING.**

ISSUE: Presentation of Warrant Articles for Town Meeting

7. 8:45 MILITARY PAY DIFFERENTIAL

ISSUE: Discussion of potential policy

III. SELECTMEN'S BUSINESS

8. ALG/BUDGET DISCUSSION

Please find materials in the subject regard

9. SELECTMEN'S REPORTS

10. 2010 ANNUAL TOWN MEETING WARRANT

11. TRANSPORTATION ADVISORY COMMITTEE, VAN GRANT

Enclosed please find materials in the subject regard

12. ADVANCED LIFE SUPPORT (ALS) PROPOSAL

Enclosed please find materials in the subject regard

13. TOWN MANAGER'S REVIEW

Enclosed please find materials in the subject regard

**14. BOY SCOUT COURT OF HONOR, GEORGE KRIKORIAN III AND
BENJAMIN SZEWCZK, MARCH 7, 2010, SELECTMEN NEED TO BE
ASSIGNED**

Enclosed please find materials in the subject regard

15. 99 PARKER STREET, LIP PROJECT

Enclosed please find materials in the subject regard

16. OTHER BUSINESS

IV. CONSENT AGENDA

**17. REQUEST FROM THE HISTORICAL SOCIETY AND IRON WORK FARM
TO USE THE TOWN HALL AND PARKING LOT ON PATRIOTS DAY**

Enclosed please find materials in the subject regard, for Board
consideration

**18. DISPOSAL OF SURPLUS EQUIPMENT AND GENERAL RELEASE, FIRE
DEPARTMENT**

Enclosed please find materials in the subject regard

19. ACCEPT GIFT, POLICE DEPARTMENT

Enclosed please find a gift of \$100.00 from Mr. and Mrs. Wong to be deposited in to the
Youth Services Fund.

20. ACCEPT GIFT, EAST ACTON VILLAGE GREEN, PLANNING DEPARTMENT

Enclosed please find a gift of \$180.00 received from the EAVG Members to be used to
purchase a Memorial Bench in memory of "Micki Williams"

**21. ACCEPT GIFT, ACTON/BOXBOROUGH YOUTH BASEBALL, RECREATION
DEPARTMENT**

Enclosed please find a gift of \$4,700.00 from the ABYB to be used at Veteran's Field to
replace signage

22. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$25.00 received from Barron Chiropractic and Wellness Center, to be used to help fund Acton Day activities

23. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$500.00 from the Huntington Learning Center, to be used to fund various community events at NARA Park

24. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$300.00 from Cultural Care, Inc., to be used to support Winter Carnival at NARA Park

25. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$500.00 from the Lions Club, to be used for food supplies for the Recreation Department Concessions at Winter Carnival at NARA Park

26. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$100.00 from Nashoba Valley Dentists, PC to be used for Summer concert series at NARA Park

27. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY

Enclosed please find materials in the subject regard

V. EXECUTIVE SESSION

There will be a need for Executive Discussion to discuss Land Contract Negotiations

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda

**FEBRUARY 22, SENATOR JAMES ELDRIDGE, USE PERMIT
BURGERDROME, 257 MAIN STREET, CHANGE OF LIQUOR MANAGER,
ACTON INDOOR SPORTS, 30 GREAT ROAD. CPC ARTICLE
PRESENTATION**

**MARCH 8, SITE PLAN & USE PERMIT (531 MASS AVE. LLC) VOTE
ARTICLES**

MARCH 22 & 29 (NO PUBLIC HEARINGS SCHEDULED AT THIS TIME)

MINUTES PENDING VOTES

Budget Saturday, January 11, 2010, January 25, 2010, February 1, 2010

PENDING COMMITTEE APPOINTMENTS

David Lutz – working with the VCC to select a committee he would like to serve on.

Mary Spinosa-Wilson – to fill an unexpired term on the Acton Boxborough Cultural Council (ABCC)

Linda Mayer – interested in ABCC, sent to VCC for interview

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

February 22, 2010

Acton Town Hall

Francis Faulkner Hearing Room

7:00 P.M.

Executive Session, 6:30, Room 126

Present: Paulina Knibbe, Peter Berry, Lauren Rosenzweig (late), Terra Friedrichs and Mike Gowing Town Manager Ledoux, Recording Secretary; Christine Joyce. The public portions of the meeting were televised.

Ms. Knibbe – Moved to open regular session meeting only to go into Executive Session to discuss land negotiations. Ms. Friedrichs - second. Roll Call Taken, All Ayes

Ms. Rosenzweig – Moved to go into Executive Session for the purpose of discussing Land Negotiations and Labor negotiations. Roll Call Taken, All Ayes and to adjourn into Regular Session at 7:00 p.m. in Room 204.

CITIZENS' CONCERNS

Jim Snyder Grant and Laurie Ulman spoke on behalf of Green Acton asking for support for Acton Cleanup Day. This is the 15th year of this clean up day, they will be holding this years activities on May 1st and will have a drop and swap section this year. They will also be part of the Hazardous Waste Day.

Resident from Central Street. She wanted to see 40B classes offered for ZBA

Brenda Cooper of Central Street wants more meetings.

Mr. Marathias of 66 Taylor Road reminded the Board about the petition and the discussion in January regarding trucks speeding, he asked for a status update.

John Horn of 101 Central Street agreed about notification of 40B's before it goes too far into the process.

CHAIRPERSON'S UPDATE

Ms. Knibbe announced that at the March 8th Selectmen's meeting there will be a public hearing on the OMR, WAVE project.

OPERATIONAL MINUTE

Steve announced the Town Common project has received tax credits and once the banks pick them up they will proceed to begin the project.

The Nursing Director noted two of the Nursing service patients turned 100 last week, the Board asked that we send them a birthday card with the Boards wishes and congratulations.

PUBLIC HEARINGS & APPOINTMENTS

SENATOR ELDRIDGE, REPRESENTATIVES JENNIFER BENSON AND CORY ATKINS

Ms. Rosenzweig noted that her assigned committees were on the subject of water resource protection,, waste water and the high cost of keeping pollutants out of the water supply. She asked what kinds of funds or bills had been filed to address them. Representative Eldridge noted he is working these issues and noted they are looking forward to change at the State level.

Ms. Rosenzweig asked about more transportation to go in to Boston and just get around town. Senator Eldridge noted that he was interested in increasing the gas tax in order to fund public transportation and other transportation improvements toward greener alternatives.

Mr. Berry asked about legislation pending Quinn Bill Police education incentive bill. He noted we were charged 50% and the State 50%. The State has withdrawn their share we may have to reimburse the full amounts and that we have budgeted full payment. Representative Benson noted she supports the legislation to address the Quinn Bill. Are towns really exposed to this litigation and the State told her no.

Representative Atkins agreed with Representative Benson that we want to address this cut, the money will not be there and we need to clean up the legislation so the towns are not left with financial exposure. Mr. Berry asked about Health Insurance Issues and we cannot make the changes that the State can without bargaining. Senator Eldridge spoke about the health insurance costs but they could not report on anything at this time. Representative Atkins said that she feels it needs to be changed and collective bargaining is not working here. She said we need to provide some sort of resolution. She noted Chelmsford's situation.

Ms. Knibbe spoke about joint resolution; the State will not be done until after our Town Meeting. Senator Eldridge said by mid-March will provide local aid resolution. He noted we will be getting local aid cuts and to budget a 10% cut. Ms. Knibbe spoke about 40B and one of difficulty it overrides local zoning. Is there any hope made to 40B to count our existing rental units in town toward our %10 affordable requirement? Have there been any other changes in 40B? Senator Eldridge said that he is frustrated that the Joint committee on Housing is not addressing the issue. There will be a binding referendum on the November ballot to repeal 40 B.

Ms. Knibbe asked for the same rules for health insurance. Representative Atkins spoke about her towns and noted the House of Representatives as priorities which would save the towns money, Health care GIC or by design and Quinn bill. Representative Benson said she supports Representative Atkins, it has to be one of the other GIC or by design, she said we will not give up on this issue and the costs associated.

Ms. Knibbe asked about the South Acton Train Station and Senator Eldridge is working on this.

Ms. Friedrichs asked about unfunded mandates and places where the Governor presses staff about growth and working on projects that get us in deeper and we are the ones paying for it. She also spoke about future growth and withdrawal limits from aquifers and asked for a status report on this issue to insure safe yields to protect our water.

Mr. Gowing asked Representative Atkins about a Concord resident that is pressing for local income tax and asked if they wanted to weigh in on it. They are looking for a way to keep Concord as diverse as possible. This is a grass roots effort and she does not know how far it will go, they propose to tax the wealth not the property tax which can put a high tax burden on someone whose property has a high value, but whose income may be much more moderate.

BURGERDROME SPECIAL USE PERMIT, 257 MAIN STREET, INCREASE SEATING

Ms. Friedrichs noted that they want to increase their seating. Ms. Rosenzweig complimented them on the improvements to the exterior (and interior) of the building. They plan on working on the siding closest to the Meineke property and make roof improvements some time within the next year, depending on available funds.

Ms. Rosenzweig- Move to approve the Special Use Permit for additional seating for the Burgerdrome. Ms. Friedrichs – second. UNANIMOUS VOTE

INDOOR SPORTS, CHANGE OF LIQUOR MANAGER

Ms. Millhome said that all the people working are TIPS trained. She has worked there for 15 years, working her way up to General Manager and now Liquor Manager. Ms. Friedrichs – Moved to approve. Ms. Rosenzweig – second. UNANIMOUS VOTE

COMMUNITY PRESERVATION COMMITTEE ARTICLE PRESENTATION

They will be meeting this week to review the 12 projects including the Caouette land acquisition, and will fully fund Open Space, Sachem Way, Community Housing and Theater III needs assessment as well as the Bruce Freeman Rail Trail and CPC administrative costs.

They discussed the windows for town hall and the test house. The test house is a period piece and if we don't keep it is forever lost to the community.

Ms. Rosenzweig asked about the window project being done in phases and does it add to the cost.

Ms. Knibbe wanted to know if they stage the windows and asked them to ask Dean about that.

Dore' Hunter spoke about the sponsors need to come in on time. The Test House is something that came at the last minute. Get it in early and don't have to rely on getting a waiver on the time line.

Open Space Acquisition Fund and they have reviewed and asked the BOS signed off on their projects.

Caouette Land was discussed and it was noted that we are still in negotiation on this. It was decided that the CPC should call an Executive Session to discuss the status of this proposal.

PIPER LANE RESOLUTION

Steve spoke about the Piper Lane lot and that there is no legal frontage on it. We wanted to sell the house and the funds would go back to the CPC. It was asked what we can do to sell the property. First remedy was to go to Town Meeting to get permission to sell it, and is

complicated. Second one would be acquire a vacant piece of land on Piper Road to give the house frontage.

Mr. Berry asked about where we could get the money in this year's budget. Steve felt we could use unexpended warrant article money. If we are going forward the Town should get the \$33,000 to purchase the vacant lot with the CPA monies being returned.

The Board asked Roland and Steve to prepare the articles for the next Board meeting.

STRETCH CODE

Ms. Knibbe asked Chris Schnaffer to speak about the Stretch Code we hope will be adopted in Acton. It does not have any financial impact on any existing buildings. Impact will be on new construction in a town that has adopted the Stretch Code. It requires them to get tests-- urges a high level of efficiency. The benefits are to the potential to home buyers to save energy. The Town side would note the efficiency. They want to be considered a Green Community so we can get more funding that may be available.

Mr. Gowing asked about the status of the Stretch Code in other communities.

SUBURBAN MOBILITY

Ms. Osman was present to explain the Suburban Mobility funding match article for this year's town meeting. They want the second years match voted at the Town Meeting. We need to hire a transportation coordinator once it is signed. Terra asked if this would need money upfront. We need to keep a running list of polices that have future costs as they are not noted in ALG. Ms. Osman said we need to be a reliable service, and start off with a big bang.

MILITARY PAY DIFFERENTIAL

Ms. Rosenzweig discussed the issue and exploring how best to meet the military pay differential when employees have been called to service. Steve explained the choices; we could accept Chapter 137 at town meeting which would allow the town retroactive delta going back to Sept. 11th. They said perhaps a policy would be more flexible. Staff has worked through the policy and it has been worked with Town Counsel. Steve's recommendation was to go with the policy and then we would have flexibility. Ms. Knibbe noted that other towns have already done this; she would like to see the policy instead of going to Town meeting to accept Chapter 137. Steve was asked to go back to Counsel to ask about the policy. Ms. Friedrichs - Moved to approve this policy. Ms. Rosenzweig - second. 4-1 Mr. Berry Abstaining, Motion passes.

SELECTMEN'S BUSINESS

ALG/BUDGET DISCUSSION

Ms. Knibbe asked Mr. Gowing and Ms. Friedrichs reported on back room consolidations. Mr. Gowing reported if they combined they would need space. Recreation would receive more opportunities to send out booklet four times per year.

Ms. Friedrichs reported on back office of the school and town with no clear direction of what the definition of back office activities were. They consulted the Munis vendor to see if we have the

modules at town hall. She recommended we look at combining. She suggested that the vendor go through what we have and take away the ones we don't use.

Ms. Knibbe discussed overlay. We have a surplus in overlay and we could ask the Assessors to release the money into free cash.

Ms. Knibbe Moved to ask the Town Manager to ask the Assessors release the 1,320K. Mr. Gowing - second. 4-1 Ms. Friedrichs, Nay. Motion passes.

Ms. Knibbe discussed her Finance Committee presentation for the 25th of February.

Mr. Gowing asked about the Green Acton funding. Ms. Friedrichs spoke about the assets and that we have a list of obligations.

Ms. Rosenzweig was supportive of the reuse of the unexpended warrant articles to make the Town safer.

Peter Ashton commented on Steve and Fincom finding the funds. He suggested that the then Board had been lied to by the Manager and Asst. Manager. Over ½ of a Million in funds, we needed the money and were told by them that it would flow to free cash, it never happened. He noted his outrage about this situation.

Ms. Rosenzweig expressed that we have needs on the town side also. She felt ALG needed to know that the town side was short also.

Do we take the money and fund things we have cut out of the budget, or use it to reduce the use of reserves.

Ms. Rosenzweig said we need to put the money to our most critical needs.

SELECTMEN'S REPORTS

Ms. Rosenzweig spoke about three warrant articles that will be on town Meeting with regard to water.

Ms. Rosenzweig spoke about the Spencer Tuttle analysis for that location.

Mr. Berry reported on the train station site visit and the letter writing to consider other alternative to the one they presented. Health Trust will be meeting to set rates

Ms. Friedrichs noted her work on the train station. Ms. Friedrichs spoke about the upcoming Site Plan by WAVE proposal and hopes that it is an open forum for comments. Ms. Knibbe said it would be for citizens to speak.

COD is sending out the mailing with the census and it will be handled privately.

2010 ANNUAL TOWN MEETING

No discussion

OTHER BUSINESS

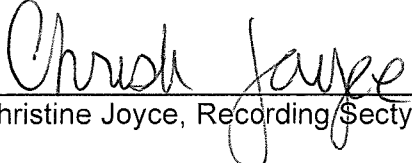
Ms. Rosenzweig - Move to extend the Town Manager's contract one year. Ms. Friedrichs second UNANIMOUS


Ms. Friedrichs - Move to encourage him not to cut his salary. Ms. Knibbe second –
UNANIMOUS VOTE
CONSENT

Mr. Gowing – Moved to accept the consent items. Ms. Friedrichs – second. UNANIMOUS
VOTE.

EXECUTIVE SESSION

Ms. Rosenzweig – Moved to go into Executive Session for the purpose of discussing Labor
Negotiations. Roll Call Taken, All Ayes and to adjourn into Regular Session at 7:00 p.m. in
Room 204.


Christine Joyce, Recording Secty


Clerk
Date: 3/22/10

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room
February 22, 2010
7:00 PM

EXECUTIVE SESSION – 6:30 P.M. Room 126

EXECUTIVE SESSION – 6:30 – 7:00 TO DISCUSS LABOR NEGOTIATIONS

Corrected 2/22/10 - #5 from 8:50 to 8:05

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. **7:05 CHAIRMAN'S UPDATE**
The Chair will briefly update the Board on Topics of interest
2. **7:10 OPERATIONAL MINUTE**
The Town Manager will provide a brief report on topics of interest
3. **7:20 SENATOR JAMES ELDRIDGE**
ISSUE: Annual Update
4. **7:50 BURGERDROME SPECIAL USE PERMIT, 257 MAIN STREET,
INCREASED SEATING**
ISSUE: Request to increase seating, Please note, large plans will be
with your hard packet for Monday
5. **8:05 INDOOR SPORTS, CHANGE OF LIQUOR MANAGER FROM JEN
RYDER TO CATHERINE MILHOMME, MATERIALS ENCLOSED**
ISSUE: New Manager, Please find materials in the subject regard
6. **8:15 COMMUNITY PRESERVATION COMMITTEE (CPC) ARTICLE
PRESENTATION**
ISSUE: CPC will present Articles for Annual Town Meeting
7. **8:45 PIPER LANE RESOLUTION**
Enclosed please find materials in the subject regard
8. **8:55 STRETCH CODE**
Green Advisory Board will present Stretch Code Warrant Article for
BOS consideration

9. 9:15 SUBURBAN MOBILITY

Transportation Advisory Committee will present Suburban Mobility Article for consideration

10. 9:25 MILITARY PAY DIFFERENTIAL

Enclosed please find materials in the subject regard

III. SELECTMEN'S BUSINESS

11. ALG/BUDGET DISCUSSION

Enclosed please find materials in the subject regard

12. SELECTMEN'S REPORTS

13. 2010 ANNUAL TOWN MEETING WARRANT

Enclosed please find materials in the subject regard

OTHER BUSINESS

IV. CONSENT AGENDA

14. GRANT OF SIDEWALK EASEMENT, 54 PROSPECT STREET

Enclosed please find materials in the subject regard

15. W.R. GRACE CONSERVATION RESTRICTION FROM THE SETTLEMENT AGREEMENT OF 9/4/09

Enclosed please find materials in the subject regard

16. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift valued at \$300.00 from Verizon Fios Marketing, to be used to support Winter Carnival

17. ACCEPT GIFT, TRANSITIONAL HOUSING NEEDS

Enclosed please find a gift valued at \$500.00 from Lynn Hughes and Charles Wright to be used to help Acton residents in need of assistance

18. ACCEPT GIFT, SERVE OIL FUND

Enclosed please find a gift valued at \$25.00 from Pat Clifford and Robert Finley to be used to fund the SERVE Oil Program

19. DISPOSAL OF SURPLUS MATERIALS

Enclosed please find a request from Merrily Evdokimoff, Nursing Director, to donate surplus Syringes to IMEC America for use in Haiti

20. ONE DAY LIQUOR LICENSE

Enclosed please find materials in the subject regard

21. BIKE LOCKER RENTAL FEES

Enclosed please find the Town Planner's recommendation regarding the 2010 season

22. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY

Enclosed please find materials in subject

23. DISPOSAL OF SURPLUS MATERIALS

Enclosed please find a request from the Council on Aging Director to donate surplus walkers and other durable medical equipment to IMEC America for use in Haiti

V. EXECUTIVE SESSION

There will be a need for Executive session to discuss Labor Negotiations at 6:30 p.m.

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda

MARCH 8 - SITE PLAN & USE PERMIT (531 MASS AVE. LLC), SALERNO'S COMMON VICTUALLER AND FULL ALCOHOLIC BEVERAGE LICENSE, 255 MAIN STREET

MARCH 22 – SALERNO'S SPECIAL USE PERMIT, 255 MAIN STREET

MARCH 29 – (NO AGENDA ITEMS AT THIS TIME)

MINUTES PENDING VOTES

Budget Saturday, January 11, January 25, February 1, February 8

PENDING COMMITTEE APPOINTMENTS

David Lutz – working with the VCC to select a committee he would like to serve on.

Mary Spinosa-Wilson – to fill an unexpired term on the Acton Boxborough Cultural Council (ABCC)

Linda Mayer – interested in ABCC, sent to VCC for interview